



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,661	01/22/2001	E-Young Wu	SIPT116939	2900

7590 02/11/2005

CHRISTENSEN O'CONNOR
JOHNSON & KINDNESS PLLC
Suite 2800
1420 Fifth Avenue
Seattle, WA 98101-2347

EXAMINER

KYLE, CHARLES R

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,661

Applicant(s)

WU, E-YOUNG

Examiner

Charles R Kyle

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Claims recite the phrase "real-time." The term is not specific.

The Claims recite the phrase "a...adapted to..." several times. This indicates that the particular element is capable of performing a particular function but does not make clear that the element actually performs the function. For example, "a portable transaction terminal adapted to be operated by a delivery personnel" states that the terminal can be operated by delivery personnel, not that it actually is operated. Claim 2 separately recites this phrase.

The Claims recite the phrase "can be arranged"; no actual arrangement is claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3624

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,387,784 *Sarradin* in view of US 6,285,916 *Kadaba et al.*

Concerning Claim 1, *Sarradin* discloses the invention substantially as claimed, including in a mobile real-time data processing system for use during delivery of a product (Background and Summary of the Invention), system elements of:

a server (Fig. 1, ele. 10; Col. 4, lines 40-59) to establish a connection with a payment control center for conducting non-cash payment (Fig. 1, ele. 20; Col. 2, lines 52-66; Col. 5, line 1 to Col. 6, line 4); and

a portable transaction terminal operated by a delivery personnel who is responsible for delivering the product to a customer (Fig. 1, eles. 1, 2..n; Fig. 2; Col. 4, lines 1-39), said portable transaction terminal including:

means for inputting identification data of an electronic money owned by the customer (Fig. 2, eles. 72, 75; Col. 4, lines 2-4);

means for establishing a communications link with said server (Fig.2, ele. 79; Col. 4, lines 21-24) and for transmitting the identification data to the payment control center via said communications link and said server so that payment for the product can be arranged by the payment control center through the electronic money of the customer (Col. 2, lines 52-66);

means for receiving (Fig.2, ele. 79; Col. 4, lines 21-24) an approval message sent by the payment control center via said server and said communications link when the payment control center has successfully completed arrangements for the payment of the product (Col. 2, lines 52-66);

Art Unit: 3624

means for generating a printed receipt upon receiving the approval message (Fig. 2, ele. 81; Col. 4, lines 34-37.

Sarradin does not specifically disclose sending a delivery confirmation to a server upon completion of delivery of a product. *Kadaba* discloses this limitation at Col. 6, line 40 to Col. 7, line 4 and Col. 8, lines 21-63. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the payment functions of *Sarradin* with the delivery aspects of *Kadaba* because this would facilitate payment at delivery points for delivered goods; although set in a non-cash environment, the combination would make possible payment analogous to “Cash on Delivery”, an old and well known concept.

With respect to Claim 2, *Sarradin* does not specifically disclose a payment gateway server. Official Notice is taken that it was old and well known to use a payment gateway. For example, a payment gateway supported Internet payment payments processing. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Sarradin* to include a payment gateway because this would allow function on the Internet. *Kadaba* further discloses a delivery-managing server at Fig. 1, ele. 45 and Col. 1, lines 23-34.

With respect to Claim 3, *Sarradin* further discloses a banking institution, frequently a credit card issuer, and payment by credit card at Col. 2, lines 57-67 and Col. 6, lines 1-4.

As to Claim 4, *Sarradin* does not specifically disclose input, display and sending means for product data. *Kadaba* discloses these at col. 4, line 50 to Col. 3, line 55. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Sarradin* to

Art Unit: 3624

include these features because this would provide required functionality for identifying and confirming delivered product and supplying a central data repository with delivery data.

With respect to Claim 5, *Kadaba* further discloses a bar code reader at Col. 4, line 50 to Col. 5, line 11 and Col. 5, line 56 to Col. 6, line 30. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Sarradin* to use a bar code reader because this would utilize a common product identification coding.

Concerning Claims 6 and 7, *Kadaba* further discloses a touch panel for signature capture at Col. 6, line 40 to Col. 7, line 4 and Col. 4, lines 40-42. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Sarradin* to use a touch panel for signature capture because this would facilitate capture of information positively indicating receipt of goods by a consumer.

Regarding Claim 8, *Sarradin* discloses a keypad at Fig. 2, ele. 72.

Regarding Claim 9, *Sarradin* discloses a magnetic card reader at Col. 4, lines 3-4.

With respect to Claim 10, *Sarradin* does not specifically disclose the use of smart cards and their readers for payment. Official Notice is taken that it was old and well known to use such devices for payment. For example, electronic wallets frequently used such devices. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Sarradin* to include a smart card reader to make use of a common, convenient payment means.

Concerning Claim 11, *Sarradin* discloses a wireless communication link at Col. 2, line 26-29.

With respect to Claim 12, *Sarradin* does not specifically encryption of card identification data. Official Notice is taken that it was old and well known to do such

Art Unit: 3624

encryption. For example, credit card numbers were encrypted by such algorithms as RSA. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Sarradin* to include such encryption to provide card identifier security.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,163,772

Kramer et al

for payment gateways and encryption.

US 5,748,737

Daggar

for smart card readers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kyle whose telephone number is (703) 305-4458. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

crk
February 5, 2005

Examiner Charles Kyle

A handwritten signature in cursive script, appearing to read "Charles Kyle", with a stylized flourish at the end.